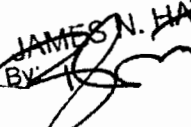


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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA,
ATLANTA DIVISION

CONSUMER FINANCIAL
PROTECTION BUREAU,

Plaintiff,

v.

UNIVERSAL DEBT & PAYMENT
SOLUTIONS, LLC, *et al.*,

Defendants.

Civil action no. **1:15-CV-0859**

RWS

**[PROPOSED] EX PARTE TEMPORARY RESTRAINING ORDER
WITH ASSET FREEZE AND OTHER EQUITABLE RELIEF, AND
ORDER TO SHOW CAUSE
WHY A PRELIMINARY INJUNCTION SHOULD NOT ISSUE**

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The Consumer Financial Protection Bureau ("Bureau") has filed a complaint alleging violations of the Consumer Financial Protection Act of 2010 ("CFPA"), 12 U.S.C. §§ 5531 and 5536, and the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. §§ 1692-1692p, seeking a permanent injunction and other relief under Section 1054 of the CFPA, 12 U.S.C. § 5564(a). The Bureau has moved for a temporary restraining order under Rule 65(b) of the Federal Rules of Civil Procedure.

FINDINGS OF FACT

This Court, having considered the complaint, the TRO motion, and attached declarations, exhibits, and the memorandum of law filed in support, finds that:

1. This Court has jurisdiction over the subject matter of this case, there is good cause to believe it has jurisdiction over all parties hereto, and venue in this District is proper;
2. There is good cause to believe that Defendants Universal Debt & Payment Solutions, LLC; Universal Debt Solutions, LLC; WNY Account Solutions, LLC; WNY Solutions Group, LLC; Check & Credit Recovery, LLC; Credit Power, LLC; S Payment Processing & Solutions, LLC (collectively, "Debt Collector LLCs"); Marcus Brown; Mohan Bagga; Sarita Brown; Tasha Pratcher; Varinderjit Bagga; and Sumant Khan (collectively with the Debt Collector LLCs, "Debt Collectors") have engaged and are likely to continue to

engage in acts or practices that violate the CFPA and the FDCPA. Plaintiff is therefore likely to prevail on the merits of this action;

3. There is good cause to believe that immediate and irreparable harm will result from the Debt Collectors' ongoing violations of these laws unless the Debt Collectors are restrained and enjoined by Order of this Court;

4. There is good cause to believe that immediate and irreparable damage to the Court's ability to grant effective final relief for consumers in the form of monetary restitution and disgorgement or compensation for unjust enrichment will occur from the transfer, dissipation, or concealment by the Debt Collectors of their assets or business records unless the Debt Collectors continue to be restrained and enjoined by Order of this Court; and that in accordance with Fed. R. Civ. P. 65(b), the interest of justice requires that the Bureau's application be heard ex parte without prior notice to the Debt Collectors. Therefore, there is good cause for relieving the Bureau of the duty to provide the defendants with prior notice of its motion;

5. Good cause exists to permit the Bureau to take expedited discovery from the Debt Collectors;

6. Weighing the equities and considering the Bureau's likelihood of ultimate success on the merits, a temporary restraining order, with asset freeze, expedited discovery as to the existence and location of assets and documents, and other equitable relief is in the public interest; and

7. No security is required for any agency of the United States for the issuance of this Order. Fed. R. Civ. P. 65(c).

ORDER

DEFINITIONS

For the purposes of this Order, the following definitions shall apply:

- A. "Asset" means any legal or equitable interest in, right to, or claim to any real, personal, or intellectual property, including, but not limited to, chattel, goods, instruments, equipment, fixtures, general intangibles, effects, leaseholds, contracts, mail or other deliveries, shares of stock, commodities, futures, inventory, checks, notes, accounts, credits, receivables (as those terms are defined in the Uniform Commercial Code), funds, cash, and trusts, including trusts held for the benefit of a person's minor children or spouse, wherever located, whether in the United States or abroad;
- B. "Consumer" means any person;
- C. "Debt" means any obligation or alleged obligation to pay money, whether or not such obligation has been reduced to judgment.
- D. "Debt Collector LLCs" means Universal Debt & Payment Solutions, LLC; Universal Debt Solutions, LLC; WNY Account Solutions, LLC; WNY Solutions Group, LLC; Check & Credit Recovery, LLC; Credit Power, LLC; and S Payment Processing & Solutions, LLC;

- E. "Debt Collectors" means the Debt Collector LLCs and the Individual Defendants, individually, collectively, or in any combination, and each of them by whatever names each might be known.
- F. "Document" and "Electronically Stored Information" are synonymous in meaning and equal in scope to the usage of the terms in Rule 34(a) of the Federal Rules of Civil Procedure and include but are not limited to:
1. The original or a true copy of any written, typed, printed, electronically stored, transcribed, taped, recorded, filmed, punched, or graphic matter or other data compilations of any kind, including, but not limited to, letters, email or other correspondence, messages, memoranda, paper, interoffice communications, notes, reports, summaries, manuals, magnetic tapes or disks, tabulations, books, records, checks, invoices, work papers, journals, ledgers, statements, returns, reports, schedules, files, charts, logs, electronic files, stored in any medium; and
 2. Any electronically created or stored information, including but not limited to electronic mail, instant messaging, videoconferencing, SMS, MMS, or other text messaging, and other electronic correspondence (whether active, archived, unsent, or in a deleted items folder), word processing files, spreadsheets, databases, document metadata, presentation files,

and sound recordings, whether stored on any cell phones, smartphones, flash drives, personal digital assistants ("PDAs"), cards, desktop personal computer and workstations, laptops, notebooks and other portable computers, or other electronic storage media, backup disks and tapes, archive disks and tapes, and other forms of offline storage, whether assigned to individuals or in pools of computers available for shared use, or personally owned but used for work-related purposes, whether stored on-site with the computer used to generate them, stored offsite in another company facility, or stored, hosted, or otherwise maintained off-site by a third party; and computers and related offsite storage used by Debt Collectors or Debt Collectors' participating associates, which may include persons who are not employees of the company or who do not work on company premises;

G. "Electronic Data Host" means any person or entity that stores, hosts, or otherwise maintains electronically stored information;

H. "Financial Institution" means any bank, savings and loan institution, credit union, or any financial depository of any kind, including, but not limited to, any brokerage house, trustee, broker-dealer, escrow agent, title company, commodity trading company, or precious metal dealer;

- I. "Individual Defendants" means Marcus Brown; Mohan Bagga; Sarita Brown; Tasha Pratcher; Varinderjit Bagga; and Sumant Khan individually, collectively, or in any combination, and each of them by any other names by which they might be known;
- J. "Person" means an individual, partnership, company, corporation, association (incorporated or unincorporated), trust, estate, cooperative organization, or other entity;
- K. "TRO Defendants" means the Debt Collectors and their successors, assigns, affiliates, or subsidiaries, and each of them, by whatever names each might be known, provided that they are owned or controlled in whole or in part by any of the Debt Collectors and conduct any business related to the Debt Collectors' collection operation; and
- L. The words "and" and "or" shall be understood to have both conjunctive and disjunctive meanings as necessary to make the applicable phrase or sentence inclusive rather than exclusive.

I.

PROHIBITED REPRESENTATIONS

It is therefore ordered that Debt Collectors and their successors, assigns, officers, agents, servants, employees, and attorneys, and those persons or entities in active concert or participation with any of them who receive actual notice of this Order by personal service or otherwise, whether

acting directly or through any corporation, subsidiary, division, or other device, are hereby temporarily restrained and enjoined from:

- A. Misrepresenting to Consumers, or assisting others who are misrepresenting to Consumers, expressly or by implication, orally or in writing, any of the following:
1. the character, amount, or legal status of any actual or claimed debt the Debt Collectors are seeking to collect;
 2. that nonpayment of a purported debt would result in arrest or garnishment;
 3. that they will take action that they could not legally take, or do not intend to take;
 4. that the Consumer committed a crime;
 5. that the consumer committed fraud; and
 6. the name, identity, or nature of the Debt Collector's business.
- B. Communicating with third parties in connection with collecting a debt for purposes other than acquiring location information about a consumer;
- C. In connection with attempting to collect actual or claimed debt, placing telephone calls without meaningfully disclosing the caller's identity;
- D. In connection with attempting to collect actual or claimed debt, failing to adequately disclose in the initial communication with a consumer

that any Debt Collector or any other person is a debt collector attempting to collect a debt and that any information obtained will be used for that purpose;

- E. Threatening to take action that is not lawful or that any Debt Collector or any other person does not intend to take;
- F. Using any false representation or deceptive means to collect or attempt to collect a debt, or to obtain information concerning a consumer;
- G. In connection with attempting to collect actual or claimed debt, using a business, company, or organization name other than the true name of the Debt Collectors' business, company, or organization; and
- H. Failing to provide consumers, within five days after the initial communication with a consumer, a written notice containing: (1) the amount of the debt; (2) the name of the creditor to whom the debt is owed; (3) a statement that unless the consumer, within thirty days after receipt of the notice, disputes the validity of the debt, or any portion thereof, the debt will be assumed to be valid by the Debt Collectors; (4) a statement that if the consumer notifies the Debt Collectors in writing within the thirty-day period that the debt, or any portion thereof, is disputed, the Debt Collectors will obtain verification of the debt or a copy of such verification or judgment will be mailed to the consumer by the Debt Collectors; and (5) a statement that, upon the

consumer's written request within the thirty-day period, the Debt Collectors will provide the consumer with the name and address of the original creditor, if different from the current creditor.

II.

PRESERVATION OF RECORDS AND TANGIBLE THINGS

IT IS FURTHER ORDERED that Debt Collectors and their successors, assigns, officers, agents, servants, employees, independent contractors, and attorneys, and those persons in active concert or participation with any of them, who receive actual notice of this Order by personal service, facsimile transmission, email, or otherwise, whether acting directly or through any entity, corporation, subsidiary, division, affiliate, or other device, are hereby temporarily enjoined from destroying, erasing, mutilating, concealing, altering, transferring, or otherwise disposing of, in any manner, directly or indirectly, any Documents that relate to the business practices, or business or personal finances of any Debt Collector, or other entity directly or indirectly under the control of any Debt Collector.

III.

ASSET FREEZE

IT IS FURTHER ORDERED that Debt Collectors and their successors, assigns, officers, agents, servants, employees, independent contractors, and attorneys, and all persons directly or indirectly under the

control of any of them, including any financial institution, payment processor, and all other persons in active concert or participation with any of them, who receive actual notice of this Order by personal service, facsimile, email, or otherwise, are hereby temporarily restrained and enjoined from directly or indirectly:

- A. Selling, liquidating, assigning, transferring, converting, loaning, hypothecating, disbursing, gifting, conveying, encumbering, pledging, concealing, dissipating, spending, withdrawing, or otherwise disposing of any Asset that is:
 - 1. in the actual or constructive possession of any Debt Collector; or
 - 2. in the actual or constructive possession of, or owned or controlled by, or subject to access by, or belonging to, any corporation, partnership, trust or other entity directly or indirectly owned, managed or controlled by any Debt Collector;
- B. Opening, or causing to be opened, any safe deposit box, commercial mail box, or storage facility belonging to, for the use or benefit of, controlled by, or titled in the name of any Debt Collector, or subject to access by any Debt Collector;
- C. Incurring charges or cash advances on any credit card, stored value card, debit card or charge card issued in the name, singly or jointly, of

any Debt Collector or any other entity directly or indirectly owned, managed, or controlled by any Debt Collector; or

D. Cashing any checks from consumers, clients, or customers of any Debt Collector.

IT IS FURTHER ORDERED that the Assets affected by this Section shall include: (a) all Assets of each Debt Collector as of the time this Order is entered, and (b) those Assets obtained or received after entry of this Order that are derived, directly or indirectly, from the actions alleged in the Bureau's complaint. This Section does not prohibit the Repatriation of Foreign Assets, as specifically required in Section VII of this Order.

IV.

RETENTION OF ASSETS AND RECORDS BY FINANCIAL INSTITUTIONS AND OTHER THIRD PARTIES

IT IS FURTHER ORDERED that, except as otherwise ordered by this Court, any financial or brokerage institution, business entity, electronic data host, Internet or digital payment processor, or person served with a copy of this Order, or who otherwise has actual or constructive knowledge of this Order, that holds, controls, or maintains custody of any account, Document, or Asset of, on behalf of, in the name of, for the benefit of, subject to withdrawal by, subject to access or use by, or under the signatory power of

any Debt Collector or other party subject to Section III above, or has held, controlled, or maintained any such account, Document, or Asset shall:

- A. Hold, preserve, and retain within such person's control, and prohibit the withdrawal, removal, alteration, assignment, transfer, pledge, hypothecation, encumbrance, disbursement, dissipation, conversion, sale, liquidation, or other disposal of such account, Document, or Asset held by or under such person's control, except as directed by further order of the Court regarding accounts, Documents, or Assets held in the name of or benefit of any TRO Defendant;
- B. Provide the Bureau and the Bureau's agents immediate access to Documents, including those electronically stored, hosted, or otherwise maintained on behalf of the Debt Collectors for forensic imaging or copying;
- C. Deny access to any safe deposit box, commercial mail box, or storage facility belonging to, for the use or benefit of, controlled by, or titled in the name of any Debt Collector, or subject to access by any Debt Collector or other party subject to Section III above;
- D. Provide to the Bureau's counsel, within three (3) business days, a sworn statement setting forth:
 - 1. the identification of each account or Asset titled in the name, individually or jointly, or held on behalf of or for the benefit of,

subject to withdrawal by, subject to access or use by, or under the signatory power of any Debt Collector or other party subject to Section III above, whether in whole or in part;

2. the balance of each such account, or a description of the nature and value of such Asset, as of the close of business on the day on which this Order is served;
3. the identification of any safe deposit box, commercial mail box, or storage facility belonging to, for the use or benefit of, controlled by, or titled in the name of any Debt Collector, or subject to access by any Debt Collector or other party subject to Section III above, whether in whole or in part; and
4. if the account, safe deposit box, or other Asset has been closed or removed, the date closed or removed, the balance on said date, and the name or the person or entity to whom such account or other Asset was remitted;

E. Provide to the Bureau's counsel, within three (3) business days after being served with a request, copies of all Documents pertaining to such account or Asset, including but not limited to originals or copies of account applications, account statements, signature cards, checks, drafts, deposit tickets, transfers to and from the accounts, all other

debit and credit instruments or slips, currency transaction reports, 1099 forms, and safe deposit box logs;

- F. The accounts subject to this provision include: (a) all Assets of each Debt Collector deposited as of the time this Order is entered, and (b) those Assets deposited after entry of this Order that are derived from the actions alleged in the Bureau's Complaint. This Section does not prohibit the Repatriation of Foreign Assets, as specifically required in Section VII of this Order.
- G. The Bureau is granted leave, pursuant to Fed. R. Civ. P. 45, to subpoena Documents immediately from any financial or brokerage institution, business entity, electronic data host, or person served with a copy of this Order that holds, controls, or maintains custody of any account, Document, or Asset of, on behalf of, in the name of, for the benefit of, subject to access or use by, or under the signatory power of any Debt Collector or other party subject to Section III above, or has held, controlled, or maintained any such account, Document, or Asset at any time since January 1, 2010, and such financial or brokerage institution, business entity, electronic data host or person shall respond to such subpoena within three (3) business days after service.

V.

FINANCIAL STATEMENTS AND ACCOUNTING

IT IS FURTHER ORDERED that each Debt Collector, within three (3) business days of service of this Order, shall prepare and deliver to the Bureau's counsel:

- A. For each Individual Defendant, a completed financial statement accurate as of the date of service of this Order upon such Individual Defendant on the form of Attachment A to this Order captioned "Financial Statement of Individual Defendant."
- B. For the Debt Collector LLCs, a completed financial statement accurate as of the date of service of this Order upon each of the Debt Collector LLCs (unless otherwise agreed upon with the Bureau's counsel) in the form of Attachment B to this Order captioned "Financial Statement of Corporate Defendant."
- C. A list of all officers and directors of each Debt Collector LLC and all other individuals or entities with authority to direct the operations of each Debt Collector LLC or withdraw money from the account of the Debt Collector LLC.

VI.

CONSUMER CREDIT REPORTS

IT IS FURTHER ORDERED that pursuant to Section 604(a)(1) of the Fair Credit Reporting Act, 15 U.S.C. § 1681b(a)(1), the Bureau may obtain credit reports concerning any Debt Collector, and that, upon written request, any credit reporting agency from which such reports are request shall provide them to the Bureau.

VII.

REPATRIATION OF FOREIGN ASSETS

IT IS FURTHER ORDERED that, within five (5) business days following the service of this Order, each Debt Collector shall:

- A. Provide the Bureau's counsel with a full accounting of all Assets, accounts, and Documents outside of the territory of the United States that are held (1) by the Debt Collectors; (2) for their benefit; (3) in trust by or for them, individually or jointly; or (4) under their direct or indirect control, individually or jointly;
- B. Transfer to the territory of the United States all Assets, accounts, and Documents in foreign countries held (1) by the Debt Collectors; (2) for their benefit; (3) in trust by or for them, individually or jointly; or (4) under their direct or indirect control, individually or jointly; and

All repatriated Assets, accounts, and Documents are subject to Section III of this Order.

VIII.

NONINTERFERENCE WITH REPATRIATION

IT IS FURTHER ORDERED that Debt Collectors and their successors, assigns, officers, agents, servants, employees, independent contractors, and attorneys, and those persons in active concert or participation with any of them, who receive actual notice of this Order by personal service or otherwise, whether acting directly or through any corporation, subsidiary, division, or other device, are hereby temporarily restrained and enjoined from taking any action, directly or indirectly, which may result in the encumbrance or dissipation of foreign Assets, or in the hindrance of the repatriation required by the preceding Section VII of this Order, including, but not limited to:

- A. Sending any statement, letter, fax, email or wire transmission, or telephoning or engaging in any other act, directly or indirectly, that results in a determination by a foreign trustee or other entity that a “duress” event has occurred under the terms of a foreign trust agreement until such time that all Assets have been fully repatriated pursuant to Section VII of this Order; or

B. Notifying any trustee, protector, or other agent of any foreign trust or other related entities of either the existence of this Order, or of the fact that repatriation is required pursuant to a court order, until such time that all Assets have been fully repatriated pursuant to Section VII of this Order.

IX.

IMMEDIATE ACCESS TO BUSINESS PREMISES AND RECORDS

IT IS FURTHER ORDERED that the Bureau and its representatives, agents, contractors, or assistants, are permitted immediate access to Debt Collectors' business premises; and

IT IS FURTHER ORDERED that the Debt Collectors and their successors, assigns, officers, directors, agents, servants, employees, attorneys, and all other persons directly or indirectly, in whole or in part, under their control, and all other persons in active concert or participation with them, who receive actual notice of this Order by personal service, facsimile, email, or otherwise, whether acting directly or through any corporation, subsidiary, division, or other entity, shall:

A. Allow the Bureau and its representatives, agents, attorneys, investigators, paralegals, contractors, or assistants, including, but not limited to, federal, state, and local law enforcement officers, including the United States Marshals Service, the Federal Bureau of

Investigation, the Sheriff or deputy of any county, and the Police Department or police officer of any community, immediate access to:

1. all of the Debt Collectors' business premises, including but not limited to: (a) the office location at 1755 The Exchange SE, Suite 358, Atlanta, GA 30339; (b) any storage facilities; and (c) such other business locations that are wholly or partially owned, rented, leased, or under the temporary or permanent control of any Debt Collector;
2. any other premises where the Debt Collectors conduct business, sales operations, or customer service operations;
3. any premises where Documents related to the Debt Collectors' businesses are stored or maintained, including but not limited to a storage unit;
4. any premises where Assets belonging to any Debt Collector are stored or maintained; and
5. any Documents located at any of the locations described in this Section;

B. Immediately identify to the Bureau's counsel:

1. all of Debt Collectors' business premises and storage facilities;
2. any non-residence premises where any Debt Collector conducts business, sales operations, or customer service operations;

3. any non-residence premises where Documents related to the business, sales operations, or customer service operations of any Debt Collector are hosted, stored, or otherwise maintained, including but not limited to the name and location of any Electronic Data Hosts; and
4. any non-residence premises where Assets belonging to any Debt Collector are stored or maintained; and

C. Provide the Bureau and its representatives, agents, attorneys, investigators, paralegals, contractors, or assistants with any necessary means of access to, copying of, and forensic imaging of Documents, including, without limitation, identifying the locations of TRO Defendants' business premises, keys and combinations to business premises locks, passwords to devices that hold Electronically Stored Information, computer access codes of all computers used to conduct TRO Defendants' business, access to (including but not limited to execution of any Documents necessary for access to and forensic imaging of) any data stored, hosted or otherwise maintained by an electronic data host, and storage area access information;

IT IS FURTHER ORDERED that:

- A. The Bureau is authorized to employ the assistance of federal, state, and local law enforcement officers, including, but not limited to, the United

States Marshals service, the United States Marshal or Deputy United States Marshal, the Federal Bureau of Investigation, and the Sheriff or deputy of any county, and the Police Department and police officer of any community, to effect service, to implement peacefully the provisions of this Order, and to keep the peace.

- B. The assistance of law enforcement is highly advisable to ensure that this Order is executed in an efficient, safe, and orderly manner. It is the primary role and mission of the United States Marshals Service to provide security and to obey, execute, and enforce all orders of the United States District Courts and the United States Courts of Appeals as provided by law. The United States Marshals Service shall execute all lawful writs, process, and orders issued under the authority of the United States, and shall command all necessary assistance to execute its duties. The United States Marshals Service is authorized to use any reasonable force in the enforcement of this Order.
- C. The Bureau and its representatives, agents, contractors, or assistants shall be immediately allowed into the premises and facilities described in this Section to inspect, inventory, image, and copy Documents relevant to any matter contained in this Order, wherever they may be situated. The Debt Collectors and their agents and employees may be excluded from the business premises and facilities during the

immediate access. No one shall interfere with the Bureau's inspection of the Debt Collectors' premises or documents.

D. The Bureau shall have the right to remove any Documents, including any devices containing Electronically Stored Information related to Debt Collectors' business practices from the premises in order that they may be inspected, inventoried, and copied. The materials so removed shall be returned within five (5) business days of completing said inventory and copying. If any property, records, Documents, or computer files relating to the TRO Defendants' finances or business practices are located in the residence of any Debt Collector or are otherwise in the custody or control of any Debt Collector, then such Debt Collector shall produce them to the Bureau within twenty-four (24) hours of service of this Order. In order to prevent the destruction of computer data, upon service of this Order upon Debt Collectors, any such computers may be powered down (turned off) in the normal course for the operating systems used on such computers and shall not be powered up or used again until produced for copying and inspection, along with any codes needed for access. The Bureau's representatives may also photograph and videotape the inside and outside of all premises to which they are permitted access by this Order, and all Documents and other items found on such premises;

E. The Bureau's access to the Debt Collectors' Documents pursuant to this Order shall not provide grounds for any Debt Collector to object to any subsequent request for Documents served by the Bureau; and

IT IS FURTHER ORDERED that:

- A. The Federal Bureau of Investigation or other law enforcement officers are authorized to escort the Bureau and the Bureau's representatives and agents inside Debt Collectors' business premises including, but not limited to, the locations identified in Section IX.A. of this Order;
- B. The Federal Bureau of Investigation or other law enforcement officers, and those persons acting under their supervision, including the Bureau and their representatives and attorneys are authorized and directed to serve this Order along with any summons, complaint, motions, declarations, and discovery requests on Debt Collectors, including at the premises identified in Section IX of this Order;
- C. Debt Collectors and their employees, agents, and bookkeepers shall provide immediate access to such locations to the Bureau, the Federal Bureau of Investigation or other law enforcement officers and to the Bureau's attorneys;
- D. Debt Collectors and their employees, agents, and bookkeepers shall also immediately provide usernames and passwords to all computers that store information concerning Debt Collectors' business operations;

E. Debt Collectors and their employees shall surrender Blackberry, iPhone, Android, or other mobile access devices that contain information concerning Debt Collectors' business operations to the Bureau's representatives.

X.

PROHIBITION ON RELEASE OF CONSUMER INFORMATION

IT IS FURTHER ORDERED that, except as required by a law enforcement agency, law, regulation, or court order, Debt Collectors, and their successors, assigns, officers, agents, servants, employees, and attorneys, and all other persons in active concert or participation with any of them, who receive actual notice of this Order by personal service or otherwise, are temporarily restrained and enjoined from disclosing, using, or benefitting from information, including the name, address, telephone number, email address, social security number, other identifying information, or any data that enable access to a consumer's account (including a credit card, bank account, or other financial account), regarding any person, which any Debt Collector obtained prior to entry of this Order in connection with any debt collection activity.

XI.

LIMITED EXPEDITED DISCOVERY

IT IS FURTHER ORDERED that the Bureau is granted leave to conduct certain expedited discovery, and that, commencing with the time and date of this Order, in lieu of the time periods, notice provisions, and other requirements of Rules 19, 26, 30, 34, and 45 of the Federal Rules of Civil Procedure, and applicable Local Rules, the Bureau is granted leave to:

- A. Take the deposition, on three (3) calendar days' notice, of any person or entity, whether or not a party, for the purpose of: (1) discovering the nature, location, status, and extent of Assets of Debt Collectors or their affiliates or subsidiaries; (2) discovering the nature and location of Documents and business records of Debt Collectors or their affiliates or subsidiaries; and (3) enforcing compliance with this Order. The limitations and conditions set forth in Fed. R. Civ. P. 30(a)(2) and 31(a)(2) regarding subsequent depositions shall not apply to depositions taken pursuant to this Section. In addition, any such depositions taken pursuant to this Section shall not be counted toward the ten deposition limit set forth in Fed. R. Civ. P. 30(a)(2)(A)(i) and 31(a)(2)(A)(i) and shall not preclude the Bureau from subsequently deposing the same person or entity in accordance with the Federal Rules of Civil Procedure. Service of discovery upon a party, taken pursuant to this

Section, shall be sufficient if made by facsimile, email or by overnight delivery. Any deposition taken pursuant to this subsection that has not been reviewed and signed by the deponent may be used by any party for purposes of the preliminary injunction hearing;

- B. Serve upon parties requests for production of documents or inspection that require production or inspection within three (3) calendar days of service, and may serve subpoenas upon non-parties that direct production or inspection within five (5) calendar days of service, for the purpose of discovering: (1) the nature, location, status, and extent of assets of Debt Collectors or their affiliates or subsidiaries; (2) the nature and location of Documents and business records of Debt Collectors or their affiliates or subsidiaries; and (3) compliance with this Order, *provided that* twenty-four (24) hours' notice shall be deemed sufficient for the production of any such Documents that are maintained or stored only as electronic data;
- C. Serve deposition notices and other discovery requests upon the parties to this action by facsimile or overnight courier, and take depositions by telephone or other remote electronic means; and
- D. If a Debt Collector fails to appear for a properly noticed deposition or fails to comply with a request for production or inspection, seek to

prohibit that Debt Collector from introducing evidence at any subsequent hearing.

XII.

MONITORING

IT IS FURTHER ORDERED that the Bureau's agents or representatives may contact Debt Collectors directly or anonymously for the purpose of monitoring compliance with this Order, and may tape record any oral communications that occur in the course of such contacts.

XIII.

DEBT COLLECTORS' DUTY TO DISTRIBUTE ORDER

IT IS FURTHER ORDERED that Debt Collectors shall immediately provide a copy of this Order to each affiliate, subsidiary, division, sales entity, successor, assign, officer, director, employee, independent contractor, client company, electronic data host, agent, authorized signatory to bank accounts, attorney, spouse, and representative of Debt Collectors and shall, within three (3) calendar days from the date of entry of this Order, provide the Bureau's counsel with a sworn statement that: (a) confirms that Debt Collectors have provided copies of the Order as required by this Section and (b) lists the names and addresses of each entity or person to whom Debt Collectors provided a copy of the Order. Furthermore, Debt Collectors shall not take any action that would encourage officers, agents, directors,

employees, salespersons, independent contractors, attorneys, subsidiaries, affiliates, successors, assigns, or other persons or entities in active concert or participation with Debt Collectors to disregard this Order or believe that they are not bound by its provisions.

XIV.

DURATION OF TEMPORARY RESTRAINING ORDER

IT IS FURTHER ORDERED that the Temporary Restraining Order granted herein shall expire on the 14th day of April, 2015, at 2 o'clock p.m., unless within such time, the Order, for good cause shown, is extended with the consent of the parties, or for an additional period not to exceed fourteen (14) calendar days, or unless it is further extended pursuant to Federal Rule of Civil Procedure 65.

XV.

**ORDER TO SHOW CAUSE
REGARDING PRELIMINARY INJUNCTION**

IT IS FURTHER ORDERED that, pursuant to Federal Rule of Civil Procedure 65(b), each of the Debt Collectors shall appear on the 7th day of April, 2015 at 10 o'clock a.m. at the United States Courthouse, Courtroom 2105, Atlanta, Georgia to show cause, if there is any, why this Court should not enter a preliminary injunction enjoining the violations of

law alleged in the Bureau's Complaint, continuing the freeze of their assets, and imposing such additional relief as may be appropriate. *Any Defendant may request an earlier hearing.* *AS*

XVI.

**SERVICE OF PLEADINGS,
MEMORANDA, AND OTHER EVIDENCE**

IT IS FURTHER ORDERED that Debt Collectors shall file any answering affidavits, pleadings, or legal memoranda with the Court and serve the same on the Bureau's counsel no later than five (5) business days prior to the preliminary injunction hearing in this matter. The Bureau may file responsive or supplemental pleadings, materials, affidavits, or memoranda with the Court and serve the same on counsel for Debt Collectors no later than one (1) business day prior to the preliminary injunction hearing in this matter. *Provided that* service shall be performed by personal or overnight delivery, facsimile, e-filing, or email, and documents shall be delivered so that they shall be received by the other parties no later than 4 p.m. on the appropriate dates listed in this Section.

XVII.

LIVE TESTIMONY; WITNESS IDENTIFICATION

IT IS FURTHER ORDERED that the question of whether this Court should enter a preliminary injunction pursuant to Rule 65 of the Federal Rules of Civil Procedure enjoining the Debt Collectors during the pendency of this action shall be resolved on the pleadings, declarations, exhibits, and

memoranda filed by, and oral argument of, the parties. Live testimony shall be heard only on further order of this Court on motion filed with the Court and served on counsel for the other parties at least five (5) business days prior to the preliminary injunction hearing in this matter. Such motion shall set forth the name, address, and telephone number of each proposed witness, a detailed summary or affidavit disclosing the substance of each proposed witness's expected testimony, and an explanation of why the taking of live testimony would be helpful to this Court. Any papers opposing a timely motion to present live testimony or to present live testimony in response to live testimony presented by another party shall be filed with this Court and served on the other parties at least three (3) business days prior to the preliminary injunction hearing in this matter. *Provided that* service shall be performed by personal or overnight delivery or by facsimile, e-filing, or email, and documents shall be delivered so that they shall be received by the other parties no later than 4 p.m. on the appropriate dates listed in this Subsection. *Provided further*, however, that an evidentiary hearing on the Bureau's request for a preliminary injunction is not necessary unless Debt Collectors demonstrate that they have, and intend to introduce, evidence that raises a genuine issue of material fact.

XVIII.

**CORRESPONDENCE WITH PLAINTIFF
CONSUMER FINANCIAL PROTECTION BUREAU**

IT IS FURTHER ORDERED that, for the purposes of this Order, because mail addressed to the Bureau is subject to delay due to heightened security screening, all correspondence and service of pleadings on Plaintiff Consumer Financial Protection Bureau shall be sent either via electronic submission or via overnight express delivery to:

Jonathan Engel
Consumer Financial Protection Bureau
Office of Enforcement
1625 Eye St., NW
Washington, DC 20006
Jonathan.Engel@cfpb.gov

XIX.

SERVICE OF THIS ORDER

IT IS FURTHER ORDERED that copies of this Order may be served by facsimile transmission, email, personal or overnight delivery, or US Mail, by the Bureau's agents and employees or any local, state, or federal law enforcement agency or by private process server, upon any financial institution or other entity or person that may have possession, custody, or control of any Documents or Assets of any Debt Collector, or that may otherwise be subject to any provision of this Order. Service upon any branch


or office of any financial institution shall effect service upon the entire financial institution.

XX.

RETENTION OF JURISDICTION

IT IS FURTHER ORDERED that this Court shall retain jurisdiction of this matter for all purposes of construction, modification, and enforcement of this Order.

SO ORDERED, this 26th day of March, 2015, at 2:00 pm


United States District Judge

Attachment A

Consumer Financial Protection Bureau

FINANCIAL STATEMENT OF INDIVIDUAL DEFENDANT

Instructions:

- 1 Complete all items. Enter "None" or "N/A" ("Not Applicable") where appropriate. If you cannot fully answer a question, explain why.
- 2 "Dependents" include your live-in companion, dependent children, or any other person, whom you or your spouse (or your children's other parent) claimed or could have claimed as a dependent for tax purposes at any time during the past five years.
- 3 "Assets" and "Liabilities" include ALL assets and liabilities, located within the United States or elsewhere, whether held individually or jointly.
- 4 Attach continuation pages as needed. On the financial statement, state next to the Item number that the Item is being continued. On the continuation page(s), identify the Item number(s) being continued.
- 5 Type or print legibly.
- 6 Initial each page in the space provided in the lower right corner.
- 7 Sign and date the completed financial statement on the last page.

Penalty for False Information:

Federal law provides that any person may be imprisoned for not more than five years, fined, or both, if such person in any:

- (a) "matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully (1) falsifies, conceals or covers up by any trick, scheme, or device a material fact; (2) makes any false, fictitious or fraudulent statement or representation; or (3) makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry" (18 U.S.C. § 1001);
- (2) "statement under penalty of perjury as permitted under section 1746 of title 28, United States Code, willfully subscribes as true any material matter which he does not believe to be true" (18 U.S.C. § 1621); or
- (3) "...statement under penalty of perjury as permitted under section 1746 of title 28, United States Code) in any proceeding before or ancillary to any court or grand jury of the United States knowingly makes any false material declaration or makes or uses any other information...knowing the same to contain any false material declaration." (18 U.S.C. § 1623)

For a felony conviction under the provisions cited above, federal law provides that the fine may be not more than the greater of (i) \$250,000 for an individual or \$500,000 for a corporation, or (ii) if the felony results in pecuniary gain to any person or pecuniary loss to any person other than the defendant, the greater of twice the gross gain or loss. 18 U.S.C. § 3571.

BACKGROUND INFORMATION

Item 1. Information About You

Your Full Name _____ Social Security No. _____

Place of Birth _____ Date of Birth _____ Drivers License No. _____

Current Address _____ From (Date) _____

Rent or Own? _____ Telephone No. _____ Facsimile No. _____

E-Mail Address _____ Internet Home Page _____

Previous Addresses for past five years:

Address _____ Rent or Own? _____ From/Until _____

Address _____ Rent or Own? _____ From/Until _____

Identify any other name(s) and/or social security number(s) you have used, and the time period(s) during which they were used _____

Marital Status: _____ (i.e., Married, Single, Divorced, Widowed, Separated)

Item 2. Information About Your Spouse or Live-In Companion

Spouse/Companion's Name _____ Social Security No. _____

Place of Birth _____ Date of Birth _____

Identify any other name(s) and/or social security number(s) your spouse/companion has used, and the time period(s) during which they were used _____

Address (if different from yours) _____

From (Date) _____ Rent or Own? _____ Telephone No. _____

Employer's Name and Address _____

Job Title _____ Years in Present Job _____ Annual Gross Salary/Wages \$ _____

Item 3. Information About Your Previous Spouse

Previous Spouse's Name & Address _____

_____ Social Security No. _____ Date of Birth _____

Item 4. Contact Information

Name & Address of Nearest Living Relative or Friend _____

Telephone No. _____

Item 5. Information About Dependents Who Live With You

Name _____ Date of Birth _____

Relationship _____ Social Security No. _____

Name _____ Date of Birth _____

Relationship _____ Social Security No. _____

Name _____ Date of Birth _____

Relationship _____ Social Security No. _____

Item 6. Information About Dependents Who Do Not Live With You

Name & Address _____

Date of Birth _____ Relationship _____ Social Security No. _____

Name Address _____

Date of Birth _____ Relationship _____ Social Security No. _____

Name & Address _____

Date of Birth _____ Relationship _____ Social Security No. _____

Item 7. Employment Information

Provide the following information for this year-to-date and for each of the previous five full years, for each company of which you were a director, officer, employee, agent, contractor, participant or consultant at any time during that period. "Income" includes, but is not limited to, any salary, commissions, draws, consulting fees, loans, loan payments, dividends, royalties or other benefits for which you did not pay (e.g., health insurance premiums, automobile lease or loan payments) received by you or anyone else on your behalf.

Company Name & Address _____

Dates Employed: From (Month/Year) _____ To (Month/Year) _____

Positions Held with Beginning and Ending Dates _____

Income Received: This year-to-date: \$ _____ : \$ _____

20____: \$ _____ : \$ _____

____: \$ _____ : \$ _____

Company Name & Address _____

Dates Employed: From (Month/Year) _____ To (Month/Year) _____

Positions Held with Beginning and Ending Dates _____

Income Received: This year-to-date: \$ _____ : \$ _____

20____: \$ _____ : \$ _____

____: \$ _____ : \$ _____

Company Name & Address _____

Dates Employed: From (Month/Year) _____ To (Month/Year) _____

Positions Held with Beginning and Ending Dates _____

Income Received: This year-to-date: \$ _____ : \$ _____

20____: \$ _____ : \$ _____

____: \$ _____ : \$ _____

Item 8. Pending Lawsuits Filed by You or Your Spouse

List all pending lawsuits that have been filed by you or your spouse in court or before an administrative agency.
(List lawsuits that resulted in final judgments or settlements in Items 16 and 25).

Opposing Party's Name & Address _____

Court's Name & Address _____

Docket No. _____ Relief Requested _____ Nature of Lawsuit _____

____ Status _____

Item 9. Pending Lawsuits Filed Against You or Your Spouse

List all pending lawsuits that have been filed against you or your spouse in court or before an administrative agency.
(List lawsuits that resulted in final judgments or settlements in Items 16 and 25).

Opposing Party's Name & Address _____

Court's Name & Address _____

Docket No. _____ Relief Requested _____ Nature of Lawsuit _____

____ Status _____

Item 10. Safe Deposit Boxes

List all safe deposit boxes, located within the United States or elsewhere, held by you, your spouse, or any of your dependents, or held by others for the benefit of you, your spouse, or any of your dependents. On a separate page, describe the contents of each box.

Owner's Name	Name & Address of Depository Institution	Box No.
_____	_____	_____
_____	_____	_____

Item 11. Business Interests

List all businesses for which you, your spouse, or your dependents are an officer or director.

Business' Name & Address _____

Business Format (e.g., corporation) _____ Description of Business _____

_____ Position(s) Held, and By Whom _____

Business' Name & Address _____

Business Format (e.g., corporation) _____ Description of Business _____

_____ Position(s) Held, and By Whom _____

Business' Name & Address _____

Business Format (e.g., corporation) _____ Description of Business _____

_____ Position(s) Held, and By Whom _____

FINANCIAL INFORMATION: ASSETS AND LIABILITIES

REMINDER: "Assets" and "Liabilities" include ALL assets and liabilities, located within the United States or elsewhere, whether held individually or jointly.

Item 12. Cash, Bank, and Money Market Accounts

List cash and all bank and money market accounts, including but not limited to, checking accounts, savings accounts, and certificates of deposit, held by you, your spouse, or your dependents, or held by others for the benefit of you, your spouse, or your dependents. The term "cash" includes currency and uncashed checks. Provide a copy of all statements for each bank account listed below for the last one year.

Cash on Hand \$ _____ Cash Held For Your Benefit \$ _____

Name on Account	Name & Address of Financial Institution	Account No.	Current Balance
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____

_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____

Item 13. U.S. Government Securities

List all U.S. Government securities, including but not limited to, savings bonds, treasury bills, and treasury notes, held by you, your spouse, or your dependents, or held by others for the benefit of you, your spouse, or your dependents.

Name on Account	Type of Obligation	Security Amount	Maturity Date
_____	_____	\$ _____	_____
_____	_____	\$ _____	_____
_____	_____	\$ _____	_____

Item 14. Publicly Traded Securities and Loans Secured by Them

List all publicly traded securities, including but not limited to, stocks, stock options, registered and bearer bonds, state and municipal bonds, and mutual funds, held by you, your spouse, or your dependents, or held by others for the benefit of you, your spouse, or your dependents. Provide a copy of all brokerage account statements for the last one year.

Issuer _____ Type of Security _____ No. of Units Owned _____

Name on Security _____ Current Fair Market Value \$ _____ Loan(s) Against Security \$ _____

Broker House, Address _____ Broker Account No. _____

Item 15. Other Business Interests

List all other business interests, including but not limited to, non-public corporations, subchapter-S corporations, limited liability corporations ("LLCs"), general or limited partnership interests, joint ventures, sole proprietorships, and oil and mineral leases, held by you, your spouse, or your dependents, or held by others for the benefit of you, your spouse, or your dependents.

Business Format _____ Business' Name & Address _____

_____ Ownership % _____

Owner (e.g., self, spouse) _____ Current Fair Market Value \$ _____

Item 16. Monetary Judgments or Settlements Owed to You, Your Spouse, or Your Dependents

List all monetary judgments or settlements owed to you, your spouse, or your dependents.

Opposing Party's Name & Address _____

Court's Name & Address _____

Docket No. _____ Nature of Lawsuit _____

Date of Judgment _____ Amount \$ _____

Item 17. Other Amounts Owed to You, Your Spouse, or Your Dependents

List all other amounts owed to you, your spouse, or your dependents.

Debtor's Name, Address, & Telephone No. _____

Original Amount Owed \$ _____ Current Amount Owed \$ _____ Monthly Payment \$ _____

Item 18. Life Insurance Policies

List all life insurance policies held by you, your spouse, or your dependents.

Insurance Company's Name, Address, & Telephone No. _____

Insured _____ Beneficiary _____ Face Value \$ _____

Policy No. _____ Loans Against Policy \$ _____ Surrender Value \$ _____

Insurance Company's Name, Address, & Telephone No. _____

Insured _____ Beneficiary _____ Face Value \$ _____

Policy No. _____ Loans Against Policy \$ _____ Surrender Value \$ _____

Item 19. Deferred Income Arrangements

List all deferred income arrangements, including but not limited to, deferred annuities, pensions plans, profit-sharing plans, 401(k) plans, IRAs, Keoghs, and other retirement accounts, held by you, your spouse, or your dependents, or held by others for the benefit of you, your spouse, or your dependents.

Name on Account _____ Type of Plan _____ Date Established _____

Trustee or Administrator's Name, Address & Telephone No. _____

Account No. _____ Surrender Value \$ _____

Name on Account _____ Type of Plan _____ Date Established _____

Trustee or Administrator's Name, Address & Telephone No. _____

Account No. _____ Surrender Value \$ _____

Item 20. Personal Property

List all personal property, by category, whether held for personal use or for investment, including but not limited to, furniture and household goods of value, computer equipment, electronics, coins, stamps, artwork, gemstones, jewelry, bullion, other collectibles, copyrights, patents, and other intellectual property, held by you, your spouse, or your dependents, or held by others for the benefit of you, your spouse, or your dependents.

Property Category (e.g., artwork, jewelry)	Name of Owner	Property Location	Acquisition Cost	Current Value
_____	_____	_____	\$ _____	\$ _____
_____	_____	_____	\$ _____	\$ _____
_____	_____	_____	\$ _____	\$ _____
_____	_____	_____	\$ _____	\$ _____
_____	_____	_____	\$ _____	\$ _____

Item 21. Cars, Trucks, Motorcycles, Boats, Airplanes, and Other Vehicles

List all cars, trucks, motorcycles, boats, airplanes, and other vehicles owned or operated by you, your spouse, or your dependents, or held by others for the benefit of you, your spouse, or your dependents. Provide a copy of all statements for each loan listed below for the last one year.

Vehicle Type _____ Make _____ Model _____ Year _____

Registered Owner's Name _____ Registration State & No. _____

Address of Vehicle's Location _____

Purchase Price \$ _____ Current Value \$ _____ Account/Loan No. _____

Lender's Name and Address _____

Original Loan Amount \$ _____ Current Loan Balance \$ _____ Monthly Payment \$ _____

Mileage _____ Current condition of car _____ Purchase date _____

Vehicle Type _____ Make _____ Model _____ Year _____

Registered Owner's Name _____ Registration State & No. _____

Address of Vehicle's Location _____

Purchase Price \$ _____ Current Value \$ _____ Account/Loan No. _____

Lender's Name and Address _____

Original Loan Amount \$ _____ Current Loan Balance \$ _____ Monthly Payment \$ _____

Mileage _____ Current condition of car _____ Purchase date _____

Item 22. Real Property

List all real estate held by you, your spouse, or your dependents, or held by others for the benefit of you, your spouse, or your dependents.

Type of Property _____ Property's Location _____

Name(s) on Title and Ownership Percentages _____

Acquisition Date _____ Purchase Price \$ _____ Current Value \$ _____

Basis of Valuation _____ Loan or Account No. _____

Lender's Name and Address _____

Current Balance On First Mortgage \$ _____ Monthly Payment \$ _____

Other Loan(s) (describe) _____ Current Balance \$ _____

Monthly Payment \$ _____ Rental Unit? _____ Monthly Rent Received \$ _____

Type of Property _____ Property's Location _____

Name(s) on Title and Ownership Percentages _____

Acquisition Date _____ Purchase Price \$ _____ Current Value \$ _____

Basis of Valuation _____ Loan or Account No. _____

Lender's Name and Address _____

Current Balance On First Mortgage \$ _____ Monthly Payment \$ _____

Other Loan(s) (describe) _____ Current Balance \$ _____

Monthly Payment \$ _____ Rental Unit? _____ Monthly Rent Received \$ _____

Item 23. Credit Cards

List each credit card held by you, your spouse, or your dependents. Also list any other credit cards that you, your spouse, or your dependents use. Provide a copy of all statements for each credit card listed below for the last one year.

Name of Credit Card (e.g., Visa, MasterCard, Department Store)	Account No.	Name(s) on Account	Current Balance	Minimum Monthly Payment
			\$	\$
			\$	\$
			\$	\$
			\$	\$
			\$	\$
			\$	\$

Item 24. Taxes Payable

List all taxes, such as income taxes or real estate taxes, owed by you, your spouse, or your dependents.

Type of Tax	Amount Owed	Year Incurred
	\$	
	\$	
	\$	
	\$	

Item 25. Judgments or Settlements Owed

List all judgments or settlements owed by you, your spouse, or your dependents.

Opposing Party's Name & Address _____

Court's Name & Address _____

Docket No. _____ Nature of Lawsuit _____

Date _____ Amount \$ _____

Item 26. Other Loans and Liabilities

List all other loans or liabilities in your, your spouse's, or your dependents' names.

Name & Address of Lender/Creditor _____

Nature of Liability _____ Name(s) on Liability _____

Date of Liability _____ Amount Borrowed \$ _____ Current Balance \$ _____

Payment Amount \$ _____ Frequency of Payment _____

Name & Address of Lender/Creditor _____

Nature of Liability _____ Name(s) on Liability _____

Date of Liability _____ Amount Borrowed \$ _____ Current Balance \$ _____

Payment Amount \$ _____ Frequency of Payment _____

OTHER FINANCIAL INFORMATION**Item 27. Tax Returns**

List all federal tax returns that were filed during the last three years by or on behalf of you, your spouse, or your dependents. Provide a copy of each signed tax return that was filed during the last three years, including amendments (if any).

Tax Year	Name(s) on Return	Refund Expected
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____

Item 28. Applications for Credit

List all applications for bank loans or other extensions of credit that you, your spouse, or your dependents have submitted within the last two years. Provide a copy of each application, including all attachments.

Name(s) on Application	Name & Address of Lender
_____	_____
_____	_____

Item 29. Trusts and Escrows

List all funds or other assets that are being held in trust or escrow by any person or entity for you, your spouse, or your dependents. Also list all funds or other assets that are being held in trust or escrow by you, your spouse, or your dependents, for any person or entity. Provide copies of all executed trust documents.

Trustee or Escrow Agent's Name & Address	Date Established	Grantor	Beneficiaries	Present Market Value of Assets
				\$
				\$
				\$
				\$
				\$

Item 30. Transfers of Assets

List each person to whom you have transferred, in the aggregate, more than \$2,500 in funds or other assets during the previous three years by loan, gift, sale, or other transfer. For each such person, state the total amount transferred during that period.

Transferee's Name, Address, & Relationship	Property Transferred	Aggregate Value Date	Transfer	Type of Transfer (e.g., Loan, Gift)
		\$		
		\$		
		\$		
		\$		
		\$		
		\$		

SUMMARY FINANCIAL SCHEDULES**Item 31. Combined Balance Sheet for You, Your Spouse, and Your Dependents**

ASSETS		LIABILITIES	
Cash on Hand (Item 12)		Credit Cards (Item 23)	
Cash in Financial Institutions (Item 12)		Motor Vehicles - Liens (Item 21)	
U.S. Government Securities (Item 13)		Real Property - Encumbrances (Item 22)	
Publicly Traded Securities (Item 14)		Loans Against Publicly Traded Securities (Item 14)	
Other Business Interests (Item 15)		Taxes Payable (Item 24)	
Judgments or Settlements Owed to You (Item 16)		Judgments or Settlements Owed (Item 25)	
Other Amounts Owed to You (Item 17)			
Surrender Value of Life Insurance (Item 18)		Other Loans and Liabilities (Item 26)	
Deferred Income Arrangements (Item 19)			
Personal Property (Item 20)		Other Liabilities (Itemize):	
Motor Vehicles (Item 21)			
Real Property (Item 22)			
Other Assets (Itemize):			

Item 32. Combined Average Monthly Income and Expenses for You, Your Spouse, and Your Dependents for the Last 6 Months

Provide the average monthly income and expenses for you, your spouse, and your dependents for the last 6 months. Do not include credit card payments separately; rather, include credit card expenditures in the appropriate categories.

INCOME

Salary - After Taxes	\$ _____
Fees, Commissions, and Royalties	\$ _____
Interest	\$ _____
Dividends and Capital Gains	\$ _____
Gross Rental Income	\$ _____
Profits from Sole Proprietorships	\$ _____
Distributions from Partnerships, S-Corporations, and LLCs	\$ _____
Distributions from Trusts and Estates	\$ _____
Distributions from Deferred Income Arrangements	\$ _____
Social Security Payments	\$ _____
Alimony/Child Support Received	\$ _____
Gambling Income	\$ _____
Other Income (Itemize)	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
Total Income	\$ _____

EXPENSES

Mortgage Payments for Residence(s)	\$ _____
Property Taxes for Residence(s)	\$ _____
Rental Property Expenses, Including Mortgage Payments, Taxes, and Insurance	\$ _____
Car or Other Vehicle Lease or Loan Payments	\$ _____
Food Expenses	\$ _____
Clothing Expenses	\$ _____
Utilities	\$ _____
Medical Expenses, Including Insurance	\$ _____
Other Insurance Premiums	\$ _____
Other Transportation Expenses	\$ _____
Other Household Expenses	\$ _____
Other Expenses (Itemize)	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
Total Expenses	\$ _____

ATTACHMENTS**Item 33. Documents Attached to this Financial Statement**

List all documents that are being submitted with this financial statement.

Item No. Document Relates To	Description of Document
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

I am submitting this financial statement with the understanding that it may affect action by the Consumer Financial Protection Bureau or a federal court. I have used my best efforts to obtain the information requested in this statement. The responses I have provided to the items above are true and contain all the requested facts and information of which I have notice or knowledge. I have provided all requested documents in my custody, possession, or control. I know of the penalties for false statements under 18 U.S.C. § 1001, 18 U.S.C. § 1621, and 18 U.S.C. § 1623 (five years imprisonment and/or fines). I certify under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on:

(Date)

Signature

Attachment B

**CONSUMER FINANCIAL PROTECTION BUREAU
FINANCIAL STATEMENT OF CORPORATE DEFENDANT**

Instructions:

- 1 Complete all items. Enter "None" or "N/A" ("Not Applicable") where appropriate. If you cannot fully answer a question, explain why.
- 2 In completing this financial statement, "the corporation" refers not only to this corporation but also to each of its predecessors that are not named defendants in this action.
- 3 When an Item asks for information about assets or liabilities "held by the corporation," include ALL such assets and liabilities, located within the United States or elsewhere, held by the corporation or held by others for the benefit of the corporation.
- 4 Attach continuation pages as needed. On the financial statement, state next to the Item number that the Item is being continued. On the continuation page(s), identify the Item number being continued.
- 5 Type or print legibly.
- 6 An officer of the corporation must sign and date the completed financial statement on the last page and initial each page in the space provided in the lower right corner.

Penalty for False Information:

Federal law provides that any person may be imprisoned for not more than five years, fined, or both, if such person in any:

- (a) "matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully – (1) falsifies, conceals or covers up by any trick, scheme, or device a material fact; (2) makes any false, fictitious or fraudulent statement or representation; or (3) makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry" (18 U.S.C. § 1001);
- (2) "statement under penalty of perjury as permitted under section 1746 of title 28, United States Code, willfully subscribes as true any material matter which he does not believe to be true" (18 U.S.C. § 1621); or
- (3) "(...statement under penalty of perjury as permitted under section 1746 of title 28, United States Code) in any proceeding before or ancillary to any court or grand jury of the United States knowingly makes any false material declaration or makes or uses any other information...knowing the same to contain any false material declaration." (18 U.S.C. § 1623)

For a felony conviction under the provisions cited above, federal law provides that the fine may be not more than the greater of (i) \$250,000 for an individual or \$500,000 for a corporation, or (ii) if the felony results in pecuniary gain to any person or pecuniary loss to any person other than the defendant, the greater of twice the gross gain or loss. 18 U.S.C. § 3571.

BACKGROUND INFORMATION

Item 1. General Information

Corporation's Full Name _____

Primary Business Address _____ From (Date) _____

Telephone No. _____ Fax No. _____

E-Mail Address _____ Internet Home Page _____

All other current addresses & previous addresses for past five years, including post office boxes and mail drops:

Address _____ From/Until _____

Address _____ From/Until _____

Address _____ From/Until _____

All predecessor companies for past five years:

Name & Address _____ From/Until _____

Name & Address _____ From/Until _____

Name & Address _____ From/Until _____

Item 2. Legal Information

Federal Taxpayer ID No. _____ State & Date of Incorporation _____

State Tax ID No. _____ State _____ Profit or Not For Profit _____

Corporation's Present Status: Active _____ Inactive _____ Dissolved _____

If dissolved: Date dissolved _____ By Whom _____

Reasons _____

Fiscal Year-End (Mo./Day) _____ Corporation's Business Activities _____

Item 3. Registered Agent

Name of Registered Agent _____

Address _____ Telephone No. _____

Item 4. Principal Stockholders

List all persons and entities that own at least 5% of the corporation's stock.

Name	Address	% Owned
_____	_____	_____
_____	_____	_____
_____	_____	_____

Item 5. Board Members

List all members of the corporation's Board of Directors.

Name	Address	% Owned	Term (From/Until)
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Item 6. Officers

List all of the corporation's officers, including de facto officers (individuals with significant management responsibility whose titles do not reflect the nature of their positions).

Name	Address	% Owned
_____	_____	_____
_____	_____	_____
_____	_____	_____

Item 7. Businesses Related to Corporation

List all corporations, partnerships, and other business entities in which this corporation has an ownership interest.

Name	Address	Business Activities	% Owned
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

State which of these businesses, if any, has ever transacted business with the corporation _____

Item 8. Businesses Related to Individuals

List all corporations, partnerships, and other business entities in which the corporation's principal stockholders, board members, or officers (i.e., the individuals listed in Items 4 - 6 above) have an ownership interest.

Individual's Name	Business Name	Address	Business Activities	% Owned
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

State which of these businesses, if any, have ever transacted business with the corporation _____

Item 9. Related Individuals

List all related individuals with whom the corporation has had any business transactions during the three previous fiscal years and current fiscal year-to-date. A "related individual" is a spouse, sibling, parent, or child of the principal stockholders, board members, and officers (i.e., the individuals listed in Items 4 - 6 above).

Name	Address	Relationship	Business Activities
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Item 10. Outside Accountants

List all outside accountants retained by the corporation during the last three years.

Name	Firm Name	Address	CPA/PA?
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Item 11. Corporation's Recordkeeping

List all individuals within the corporation with responsibility for keeping the corporation's financial books and records for the last three years.

Name	Address	Telephone Number	Position(s) Held
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Item 12. Attorneys

List all attorneys retained by the corporation during the last three years.

Name	Firm Name	Address
_____	_____	_____
_____	_____	_____
_____	_____	_____

Item 13. Pending Lawsuits Filed By CorporationList all pending lawsuits that have been filed by the corporation in court or before an administrative agency.
(List lawsuits that resulted in final judgments or settlements in favor of the corporation in Item 25).

Opposing Party's Name & Address _____

Court's Name & Address _____

Docket No. _____ Relief Requested _____ Nature of Lawsuit _____

_____ Status _____

Opposing Party's Name & Address _____

Court's Name & Address _____

Docket No. _____ Relief Requested _____ Nature of Lawsuit _____

_____ Status _____

Opposing Party's Name & Address _____

Court's Name & Address _____

Docket No. _____ Relief Requested _____ Nature of Lawsuit _____

_____ Status _____

Opposing Party's Name & Address _____

Court's Name & Address _____

Docket No. _____ Relief Requested _____ Nature of Lawsuit _____

_____ Status _____

Opposing Party's Name & Address _____

Court's Name & Address _____

Docket No. _____ Relief Requested _____ Nature of Lawsuit _____
 _____ Status _____

Opposing Party's Name & Address _____

Court's Name & Address _____

Docket No. _____ Relief Requested _____ Nature of Lawsuit _____
 _____ Status _____

Item 14. Current Lawsuits Filed Against Corporation

List all pending lawsuits that have been filed against the corporation in court or before an administrative agency.
 (List lawsuits that resulted in final judgments, settlements, or orders in Items 26 - 27).

Opposing Party's Name & Address _____

Court's Name & Address _____

Docket No. _____ Relief Requested _____ Nature of Lawsuit _____
 _____ Status _____

Opposing Party's Name & Address _____

Court's Name & Address _____

Docket No. _____ Relief Requested _____ Nature of Lawsuit _____
 _____ Status _____

Opposing Party's Name & Address _____

Court's Name & Address _____

Docket No. _____ Relief Requested _____ Nature of Lawsuit _____
 _____ Status _____

Opposing Party's Name & Address _____

Court's Name & Address _____

Docket No. _____ Relief Requested _____ Nature of Lawsuit _____
 _____ Status _____

Opposing Party's Name & Address _____

Court's Name & Address _____

Docket No. _____ Relief Requested _____ Nature of Lawsuit _____

_____ Status _____

Opposing Party's Name & Address _____

Court's Name & Address _____

Docket No. _____ Relief Requested _____ Nature of Lawsuit _____

_____ Status _____

Item 15. Bankruptcy Information

List all state insolvency and federal bankruptcy proceedings involving the corporation.

Commencement Date _____ Termination Date _____ Docket No. _____

If State Court: Court & County _____ If Federal Court: District _____

Disposition _____

Item 16. Safe Deposit Boxes

List all safe deposit boxes, located within the United States or elsewhere, held by the corporation, or held by others for the benefit of the corporation. On a separate page, describe the contents of each box.

Owner's Name	Name and Address of Depository Institution	Box No.
_____	_____	_____
_____	_____	_____
_____	_____	_____

FINANCIAL INFORMATION**REMINDER:** When an Item asks for information about assets or liabilities "held by the corporation," include ALL such assets and liabilities, located within the United States or elsewhere, held by the corporation or held by others for the benefit of the corporation.

Item 17. Tax Returns

List all federal and state corporate tax returns filed for the last three complete fiscal years. Attach copies of all returns.

Federal/State/Both	Tax Year	Tax Due Federal	Tax Paid Federal	Tax Due State	Tax Paid State	Preparer's Name

Item 18. Financial Statements

List all financial statements that were prepared for the corporation's last three complete fiscal years and for the current fiscal year-to-date. Attach copies of all statements, providing audited statements if available.

Year	Balance Sheet	Profit and Loss Statement	Cash Flow Statement	Changes in Owner's Equity	Audited?

Item 19. Financial Summary

For each of the last three complete fiscal years and for the current fiscal year-to-date for which the corporation has not provided a profit and loss statement in accordance with Item 18 above, provide the following summary financial information.

	Current Year-to-Date	1 Year Ago	2 Years Ago	3 Years Ago
<u>Gross Revenue</u>	\$	\$	\$	\$
<u>Expenses</u>	\$	\$	\$	\$
<u>Net Profit After Taxes</u>	\$	\$	\$	\$
<u>Payables</u>	\$			
<u>Receivables</u>	\$			

Item 20. Cash, Bank, and Money Market Accounts

List cash and all bank and money market accounts, including but not limited to, checking accounts, savings accounts, and certificates of deposit, held by the corporation. The term "cash" includes currency and uncashed checks.

Cash on Hand \$ _____ Cash Held for the Corporation's Benefit \$ _____

Name & Address of Financial Institution	Signator(s) on Account	Account No.	Current Balance
			\$
			\$
			\$

Item 21. Government Obligations and Publicly Traded Securities

List all U.S. Government obligations, including but not limited to, savings bonds, treasury bills, or treasury notes, held by the corporation. Also list all publicly traded securities, including but not limited to, stocks, stock options, registered and bearer bonds, state and municipal bonds, and mutual funds, held by the corporation.

Issuer _____ Type of Security/Obligation _____

No. of Units Owned _____ Current Fair Market Value \$ _____ Maturity Date _____

Issuer _____ Type of Security/Obligation _____

No. of Units Owned _____ Current Fair Market Value \$ _____ Maturity Date _____

Item 22. Real Estate

List all real estate, including leaseholds in excess of five years, held by the corporation.

Type of Property _____ Property's Location _____

Name(s) on Title and Ownership Percentages _____

Current Value \$ _____ Loan or Account No. _____

Lender's Name and Address _____

Current Balance On First Mortgage \$ _____ Monthly Payment \$ _____

Other Loan(s) (describe) _____ Current Balance \$ _____

Monthly Payment \$ _____ Rental Unit? _____ Monthly Rent Received \$ _____

Type of Property _____ Property's Location _____

Name(s) on Title and Ownership Percentages _____

Current Value \$ _____ Loan or Account No. _____

Lender's Name and Address _____

Current Balance On First Mortgage \$ _____ Monthly Payment \$ _____

Other Loan(s) (describe) _____ Current Balance \$ _____

Monthly Payment \$ _____ Rental Unit? _____ Monthly Rent Received \$ _____

Item 23. Other Assets

List all other property, by category, with an estimated value of \$2,500 or more, held by the corporation, including but not limited to, inventory, machinery, equipment, furniture, vehicles, customer lists, computer software, patents, and other intellectual property.

Property Category	Property Location	Acquisition Cost	Current Value
_____	_____	\$ _____	\$ _____
_____	_____	\$ _____	\$ _____
_____	_____	\$ _____	\$ _____
_____	_____	\$ _____	\$ _____
_____	_____	\$ _____	\$ _____
_____	_____	\$ _____	\$ _____
_____	_____	\$ _____	\$ _____
_____	_____	\$ _____	\$ _____
_____	_____	\$ _____	\$ _____

Item 24. Trusts and Escrows

List all persons and other entities holding funds or other assets that are in escrow or in trust for the corporation.

Trustee or Escrow Agent's Name & Address	Description and Location of Assets	Present Market Value of Assets
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____

_____ \$ _____

_____ \$ _____

_____ \$ _____

Item 25. Monetary Judgments and Settlements Owed To the Corporation

List all monetary judgments and settlements, recorded and unrecorded, owed to the corporation.

Opposing Party's Name & Address _____

Court's Name & Address _____ Docket No. _____

Nature of Lawsuit _____ Date of Judgment _____ Amount \$ _____

Opposing Party's Name & Address _____

Court's Name & Address _____ Docket No. _____

Nature of Lawsuit _____ Date of Judgment _____ Amount \$ _____

Item 26. Monetary Judgments and Settlements Owed By the Corporation

List all monetary judgments and settlements, recorded and unrecorded, owed by the corporation.

Opposing Party's Name & Address _____

Court's Name & Address _____ Docket No. _____

Nature of Lawsuit _____ Date _____ Amount \$ _____

Opposing Party's Name & Address _____

Court's Name & Address _____ Docket No. _____

Nature of Lawsuit _____ Date of Judgment _____ Amount \$ _____

Opposing Party's Name & Address _____

Court's Name & Address _____ Docket No. _____

Nature of Lawsuit _____ Date of Judgment _____ Amount \$ _____

Opposing Party's Name & Address _____

Court's Name & Address _____ Docket No. _____

Nature of Lawsuit _____ Date of Judgment _____ Amount \$ _____

Opposing Party's Name & Address _____
 Court's Name & Address _____ Docket No. _____

Nature of Lawsuit _____ Date of Judgment _____ Amount \$ _____

Item 27. Government Orders and Settlements

List all existing orders and settlements between the corporation and any federal or state government entities.

Name of Agency _____ Contact Person _____

Address _____ Telephone No. _____

Agreement Date _____ Nature of Agreement _____

Item 28. Credit Cards

List all of the corporation's credit cards and store charge accounts and the individuals authorized to use them.

Name of Credit Card or Store _____ Names of Authorized Users and Positions Held _____

_____	_____
_____	_____
_____	_____

Item 29. Compensation of Employees

List all compensation and other benefits received from the corporation by the five most highly compensated employees, independent contractors, and consultants (other than those individuals listed in Items 5 and 6 above), for the two previous fiscal years and current fiscal year-to-date. "Compensation" includes, but is not limited to, salaries, commissions, consulting fees, bonuses, dividends, distributions, royalties, pensions, and profit sharing plans. "Other benefits" include, but are not limited to, loans, loan payments, rent, car payments, and insurance premiums, whether paid directly to the individuals, or paid to others on their behalf.

Name/Position	Current Fiscal Year-to-Date	1 Year Ago	2 Years Ago	Compensation or Type of Benefits
_____	\$ _____	\$ _____	\$ _____	_____
_____	\$ _____	\$ _____	\$ _____	_____
_____	\$ _____	\$ _____	\$ _____	_____
_____	\$ _____	\$ _____	\$ _____	_____
_____	\$ _____	\$ _____	\$ _____	_____

Item 30. Compensation of Board Members and Officers

List all compensation and other benefits received from the corporation by each person listed in Items 5 and 6, for the current fiscal year-to-date and the two previous fiscal years. "Compensation" includes, but is not limited to, salaries, commissions, consulting fees, dividends, distributions, royalties, pensions, and profit sharing plans. "Other benefits" include, but are not limited to, loans, loan payments, rent, car payments, and insurance premiums, whether paid directly to the individuals, or paid to others on their behalf.

Name/Position	Current Fiscal Year-to-Date	1 Year Ago	2 Years Ago	Compensation or Type of Benefits
	\$	\$	\$	
	\$	\$	\$	
	\$	\$	\$	
	\$	\$	\$	
	\$	\$	\$	
	\$	\$	\$	
	\$	\$	\$	

Item 31. Transfers of Assets Including Cash and Property

List all transfers of assets over \$2,500 made by the corporation, other than in the ordinary course of business, during the previous three years, by loan, gift, sale, or other transfer.

Transferee's Name, Address, & Relationship	Property Transferred	Aggregate Value	Transfer Date	Type of Transfer (e.g., Loan, Gift)
		\$		
		\$		
		\$		
		\$		
		\$		

Item 32. Documents Attached to Financial Statement

List all documents that are being submitted with the financial statement.

Item No. Document Relates To	Description of Document

I am submitting this financial statement with the understanding that it may affect action by the Consumer Financial

Protection Bureau or a federal court. I have used my best efforts to obtain the information requested in this statement. The responses I have provided to the items above are true and contain all the requested facts and information of which I have notice or knowledge. I have provided all requested documents in my custody, possession, or control. I know of the penalties for false statements under 18 U.S.C. § 1001, 18 U.S.C. § 1621, and 18 U.S.C. § 1623 (five years imprisonment and/or fines). I certify under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on:

(Date)

Signature

Corporate Position